

BOARD OF PUBLIC WORKS AND SAFETY

APRIL 9<sup>th</sup>, 2009

Page 1 of 9

Mayor Charles Henderson called the meeting to order at 8:30 a.m.

PRESENT: Board Members Mayor Charles Henderson, Thom Hord, and Kevin Hoover; Clerk Treasurer Jeannine Myers; City Attorney Shawna Koons; Director of Community Development Services and City Engineer Monica Klaas.

Mr. Hord moved to accept the minutes of March 19<sup>th</sup>, 2009 as presented. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

**Village Commons III**

Representative Donna Smithers, Northpointe Surveying, Inc. appeared regarding the project.

Director of Community Development Services and City Engineer Monica Klaas reviewed the recommendations by Paul Peoni, Engineering Division of the Department of Community Development Services:

- 1) Acknowledge the completion of the private improvements of dirt work and erosion control at the Village Commons III site.
- 2) Release performance bond #889827S in the amount of \$9,447.00 from Developers Surety and Indemnity Company for the installation of the private dirt work and erosion control at the Village Commons III site.

There has been a final field inspection by Kevin Riddle of the engineering division and all private dirt work and erosion control appear to have been satisfactorily installed. The inspection and testing fees are in order. The engineering division has received acceptable paper as-builts. Once the following item is addressed, the engineering division recommends that the Board make the motions stated above:

- a) Receipt of final mylar as-builts (2 sets)

Mr. Hoover moved to acknowledge the completion of the private improvements and to release the performance bond subject to receipt of the final mylar as-builts by the Engineering Division. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

**Central Nine Career Center Phase II**

Representative Graham Lewis, Cripe Architects + Engineers, appeared regarding the project.

- 1) Accept performance guarantees for dirt work, storm sewer and erosion control for the Central Nine Career Center, Phase II project.

No guarantees have been presented for engineering division review.

City Attorney Shawna Koons stated that she had not received a performance guarantee so there isn't anything to be approved. Mr. Hoover stated that once everything is in order it can be approved without Mr. Lewis having to attend.

**Clark Pleasant Middle School, Dry Detention Basin**

Representative Stephen Applegate, Cripe Architects + Engineers, appeared regarding the project.

Director of Community Development Services and City Engineer Monica Klaas reviewed the recommendations by Paul Peoni, Engineering Division of the Department of Community Development Services:

- 1) Allow the use of an expanded dry detention basin that already exists for the current Clark-Pleasant Intermediate School.

Due to the existing topography and the existing drainage patterns in the southwest corner of this site, the expansion of the existing dry detention basin that was installed for the intermediate school seems to be a logical solution for the storm water detention in this area. The dry bottom storm water storage basin has been designed per the City of Greenwood standards. The waiver request form submitted for this project is very detailed and all inclusive as to the reasons why dry detention should be allowed in this particular instance.

Mr. Hoover moved to allow the use of the expanded dry detention basin. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Greenwood Community School Corporation, Retention Pond**

Representative Joe Meyer, KOE Engineering & Surveying, Inc. appeared regarding the project. Mr. Meyer stated that the original retention pond design was more than what was needed and asked to change the design, specifically; the School Corporation would like to change the slope to 5:1 and the safety ledge from ten (10) feet to twenty (20) feet. Director of Community Development Services and City Engineer Monica Klaas stated that with the changes that KOE Engineering & Surveying, Inc. would like to make there would be a lot more algae. Mayor Charles Henderson asked if the City receives many complaints about retention ponds. Director of Operations Norm Gabehart replied that there have been some complaints. City Attorney Shawna Koons stated that the City had to declare a state of emergency in the past and spent public money to clear out the retention ponds at Polk Manor as those retention ponds were impeding the entire drainage system. Mr. Hoover asked if there are maintenance standards that could be created so that this could be approved with those conditions. Mr. Hoover stated that this is a different situation because it is a school and not a typical subdivision. Ms. Klaas stated that the inlets and outlets will have to be kept clear of cat-tails and other obstructions.

- 1) Request to deviate from retention pond design standards

Mr. Hoover moved to grant a deviation from the design standards for detention to allow a 20 foot safety ledge and a 3:1 slope on the retention pond subject to conditions obligating the school to maintain the algae and other plant life growth so that it does not impede water flow with those conditions to be approved by the City Attorney and the City Engineer. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Greenwood Community School Corporation, Averitt Road Under Drains**

Representative Joe Meyer, KOE Engineering & Surveying, Inc. stated that they would like to build a 1% slope on the East side of Averitt Road without the required under drains. Ms. Klaas stated that the problem is that this is an existing road and they have to deal with what is there, and there is no where to take the under drainage. Mr. Hoover moved to grant authority to the City Engineer to make the final approval for drainage deviations on the East side of Averitt Road for this project. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Greenwood Community School Corporation**

Representative Joe Meyer, KOE Engineering & Surveying, Inc. appeared regarding the project. Mr. Hoover asked the status of the dual obligee bonds. City Attorney Shawna Koons replied that the documents only named the contractor as the principal and it also needed to have the school if the bonds were not going to be dual obligee bonds. Mr. Hoover stated that it seemed like the memo was unclear as to the correct amount of the bonds. Mr. Meyer stated that there hadn't been a final approval of the bonding summary form because final plans had not been completed.

BOARD OF PUBLIC WORKS AND SAFETY

APRIL 9<sup>th</sup>, 2009

Page 3 of 9

- 1) Accept performance bond #105211803 from Travelers Casualty and Surety Company of America in the amount of \$165,578.00 for the installation of the private dirt work at the Greenwood School Corporation Transportation Center.
- 2) Accept performance bond #105211804 from Travelers Casualty and Surety Company of America in the amount of \$1,664.00 for the installation of the dirt work in the public right-of-way at the Greenwood School Corporation Transportation Center.
- 3) Accept performance bond #105211805 from Travelers Casualty and Surety Company of America in the amount of \$245,478.00 for the installation of the private storm sewer at the Greenwood School Corporation Transportation Center.
- 4) Accept performance bond #105211806 from Travelers Casualty and Surety Company of America in the amount of \$21,174.00 for the installation of the private and public erosion control at the Greenwood School Corporation Transportation Center.
- 5) Accept performance bond #105211807 from Travelers Casualty and Surety Company of America in the amount of \$7,625.00 for the installation of the private offsite sanitary sewer force main in the public right-of-way for the Greenwood School Corporation Transportation Center.
- 6) Accept performance bond #105211808 from Travelers Casualty and Surety Company of America in the amount of \$32,404.00 for the installation of the street improvements in the public right-of-way at the Greenwood School Corporation Transportation Center.
- 7) Accept performance bond #105211809 from Travelers Casualty and Surety Company of America in the amount of \$131,945.00 for the installation of the private access drive off of Averitt Road at the Greenwood School Corporation Transportation Center.
- 8) Accept performance bond #105211810 from Travelers Casualty and Surety Company of America in the amount of \$28,809.00 for the installation of the asphalt pathway along Averitt Road at the Greenwood School Corporation Transportation Center.
- 9) Accept performance bond #105211811 from Travelers Casualty and Surety Company of America in the amount of \$38,492.00 for the installation of the asphalt pathway along the private access drive at the Greenwood School Corporation Transportation Center.

The amounts stated above for the performance bonds have not yet been reviewed by the engineering division; however pressure is being applied to push these items through on this agenda. Comments have again been made stating that city staff has been the cause for delay on plan review and bond amount approval. With that, staff could recommend conditional approval of the amounts for the performance bonds with the understanding that if, after review by the engineering division, the amounts need to be changed, then the School Corporation would revise the performance bond amounts. Of course this is up to the Board of Public Works and Safety with input from the City Engineer. Also review and approval by the law department would be needed.

There has been discussions and correspondence between the design engineer; Franklin Engineering Company (Mr. Steve Williams); and city staff for well over 6 months. City staff had felt that there was an understanding as to what was going to be acceptable deviations from City standards for the detention pond and the current plans are in agreement with that understanding except that the safety ledge is being shown as 20 foot wide instead of 10 foot wide per ordinance. In an email to school representatives on March 30, 2009 City staff had asked again that the safety ledge be reduced back to 10 feet wide to allow for more area under the water to have the 10 foot DEPTH required by ordinance for siltation purposes and overall pond maintenance in the future.

There was discussion about these items on April 08, 2009 between Mr. Meyer and city staff. The final decision is up to the Board of Public Works and Safety with input from the City Engineer.

Mr. Hoover moved to accept the performance bonds subject to final review and approval of the amount of the bonds by the City Engineer and the form of the bonds by the City Attorney. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Mayor Charles Henderson asked what the status was of the issuance for the school's building permit. Mr. Meyer replied that they hope to have final plans back within a couple of days, and everything is almost done, but the full permit cannot be issued until there is an active water hydrant and fire trucks are able to get around the building. Mayor Charles Henderson asked if there is anything that can be done to get the building permit sooner. Ms. Klaas replied that the access for the fire department is critical. The Community Development Service Department is willing to do what they can to expedite the process. Mr. Meyer stated that he didn't feel that the access drive should require a bond, and it is already complete. City Attorney Shawna Koons stated that it is being shared with the City as a street to the park area. Mr. Gabehart stated that he agrees with Mr. Meyer that the performance bond is not necessary at this point. City Attorney Shawna Koons stated that under the agreement for the access easement the school corporation is responsible to maintain the road. Mr. Hoover moved to waive the requirement of the performance guarantee for the underlay for the street/access road. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Summerfield Crossing Block B, Lot 5, & Lot 6**

Representative Joe Meyer, KOE Engineering & Surveying, Inc. appeared regarding the project.

- 1) Execute the sub-plat for Summerfield Crossing, Block B, and Lots 5 & 6.

There are some minor revisions needed on the sub-plat. Once the following item is addressed the engineering division recommends that the Board make the motion stated above:

- a) Final review and approval of the revised plat, once received, by the engineering and planning divisions.

Mr. Hoover moved to execute the sub-plat subject to review and approval of the revised plat by the Engineering and Planning Divisions. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Nuisance Complaints**

John Myers, Code Enforcement Officer, stated that the following nuisance complaint was abated:

- 1) 3286 Limber Pine Drive – Gibson / Miller

John Myers, Code Enforcement Officer, spoke on the following nuisance complaints:

- 2) 436 Yorktown Road – Carr

Mr. Carr stated that everything has been taken care of on his property as of the evening of April 8<sup>th</sup> 2009. Mr. Myers stated that this has been reported as a yearly problem to the Code Enforcement Office. Mr. Carr stated that he does not cut his grass as often as needed and then his neighbor complains. Mr. Hoover moved to find that a nuisance exists at the time of the filed complaint at 436 Yorktown Road and asked Mr. Myers to review the property within the next two days and report back to the City Attorney. If the situation has not been corrected then the City Attorney is directed to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property. Second by Mr. Hord. Mr. Hord stated that this is a public safety issue and it is

Mr. Carr's responsibility alone and thanked him for cleaning it up. **Vote: Ayes. Motion carries.**

#### **Audience**

Steven Huddleston, for Projects Plus, representative for Saint Francis Hospital for the medical facility project on State Road 37 stated that there had been correspondence with Indianapolis for a sewer connection. Mr. Huddleston stated that they had received approval on the plans from the engineers of both Greenwood and Indianapolis. Mr. Huddleston stated that Indianapolis thought that an agreement had been reached and that this project would be presented to the Board at this meeting. Mayor Charles Henderson stated that he had requested a final clean copy of the agreement. The City Attorney has not received that yet either to review but the Mayor expects to receive it within the next few days.

Rosemary Cunningham, President of the Old Town Greenwood Committee, asked permission for the Farmer's Market to open in the same location, and with the same conditions that they usually have. City Attorney Shawna Koons reiterated that the Board has waived the vendor permitting requirement in the past, and that copies of the vendor agreement and certificate of insurance that proves they are indemnified and hold the City harmless are to be provided to the City. City Attorney Shawna Koons stated that she had received the required documentation. Ms. Cunningham confirmed that the market is to open the last weekend of April and operate through October. Mr. Hoover moved to approve the request for the Farmer's Market to proceed with the same conditions issued previously. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **Five 2009 GVW Single Axle Dump Trucks with a Six Year Lease**

Todd Petty, Fleet Maintenance, stated that one bid was received from Brickyard International for a total of \$658,065.00 which would be \$131,613.00 per truck. Mr. Petty stated that Superintendent of the Street Department Greg Owens has a lease offer from 1<sup>st</sup> Source Bank for an annual payment of \$122,959.84, and that there is funding in LRS. Mr. Petty stated that his recommendation is to accept the bid conditional to both the Director of Operation's and Mr. Hord's approval. Mr. Hoover moved to accept the bid of Brickyard International for the five dump trucks, subject to confirmation by Board Member Thom Hord that the five trucks are necessary. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Kenny Duncan, Street Department, stated that they have received quotes for street paint. Sherwin Williams' quote was \$8.39 per gallon for yellow paint, and \$8.39 per gallon for white paint. MGI's quote was \$9.80 per gallon for yellow paint, and \$9.55 per gallon for white paint. Highway Technology's quote was \$11.82 per gallon for yellow paint, and \$11.18 per gallon for white paint. Mr. Duncan recommended using Sherwin Williams again this year. Mr. Hoover moved to approve the issuance of the contract to Sherwin Williams. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Kenny Duncan, Street Department, stated that they have received quotes for the reflective beads that are added to the street paint. Highway Technology's quote was \$17.67 per bag. MGI's quote was \$18.75 per bag. Sherwin William's quote was \$22.75 per bag. Mr. Duncan stated that they estimate purchasing 280 bags per year. Mr. Duncan recommended using Highway Technology. Mr. Hoover moved to approve the quote from Highway Technology. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

#### **City Attorney Status of Tasks**

City Attorney Shawna Koons confirmed that everyone received the Memorandum of Status of Tasks and asked if there were any questions.

City Attorney Shawna Koons presented the following:

#### **Delinquent Trash Account for 409 Orchard Lane, Brian J. Syra**

A delinquent trash account totaling a \$156.54 arrearage for 409 Orchard Lane, a property owned by Brian Syra, was forwarded in early February 2009 by the Sanitation Billing Office to the Law Department for collection. On February 16, 2009 the Law Department sent a collection letter to the owner of that property requesting payment of the arrearage within twenty (20) days or legal proceedings to collect the delinquency would be initiated. There have been issues with this owner and the Police Chief and Director of Operations have recommended that the City Attorney's Office not pursue collection of Mr. Syra's delinquent account. As it is the Board of Public Works and Safety's account the City Attorney would like direction from the Board as how it wishes her to proceed in this matter. The City Attorney's staff is willing to continue their collection efforts. If the Board desires that the City Attorney delay initiation of collection proceedings, there is plenty of time under the applicable statute of limitations without jeopardizing the Board's ability to collect the delinquency.

Mr. Hoover moved to direct the City Attorney to temporarily suspend collection efforts of the delinquent trash account for 409 Orchard Lane, owed by Brian Syra, until such time in the City Attorney's discretion, after consultation with the Police Chief, it is determined it is prudent to resume such efforts. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

**Notice of Assignment of Lease Interest of T-Mobile to Mobilitie, LLC of the Cell Tower Located on Sanitation Utility Property Behind Fire Station 2**

The Clerk-Treasurer received a notice dated February 17, 2009 from T-Mobile USA, Inc. ("T-Mobile") that it has assigned its interest in the cell tower lease agreement with the City of Greenwood dated August 27, 2008 to Mobilitie, LLC ("Mobilitie"). T-Mobile will become a subtenant of Mobilitie and still maintain facilities on the cell tower.

The cell tower lease agreement permits the assignment of the least interest, and it was anticipated that this would occur; the terms of the lease require that assignee Mobilitie assume all obligations of T-Mobile under the lease. On March 24, Mobilitie sent a letter to the City acknowledging assumption of the obligations of T-Mobile under the lease, requesting the completion and return of Internal Revenue Service form W-9 to process lease payments and completion of a data confirmation form, offering automatic deposits into the City's account, and also offering to pre pay the lease in a lump sum. Copies of the T-Mobile notice and the correspondence from Mobilitie were provided for the Board's review and consideration.

It is necessary for the Board to acknowledge receipt of the assignment of the lease, and authorize the processing of the W-9 form and data confirmation form, and determine whether it is interested in discussing the possibility of a lump sum pre payment of the lease amount. The City Attorney reminded the Board that there are incremental annual increases to the lease rate that would have to be included in any pre payment calculation.

Mr. Hoover moved to acknowledge the assignment of the lease interest T-Mobile USA, Inc. has regarding its Cell Tower Lease with the City of Greenwood dated August 27, 2008 to Mobilitie, LLC; to direct the Clerk-Treasurer and City staff to complete any and all necessary forms to effectuate the assignment, including but not limited to the IRS W-9 form and automatic deposit form, if the Clerk Treasurer determines that is appropriate; to authorize the Mayor to execute such documents in the Board's behalf; and to direct the City Attorney to explore the option of receiving the lease payments due under the agreement in a lump sum and report her findings to the Board. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

**Authorization to Proceed to Condemnation to Obtain Necessary Right-of-Way for the Fry Road Reconstruction Project**

A. Parcel 5 (ESS Prisa II LLC)

As the Board is aware, the City, through the Redevelopment Commission, is undertaking reconstruction of Fry Road between Madison Avenue and U.S. 31. At the November 20, 2008 meeting the Board approved the appraised values for portions of parcels needed for

right-of-way for the project and authorized the Mayor to sign the documents necessary to tender offers for the right-of-way. There is urgency in acquiring the right-of-way necessary so as not to delay the project and fair market offers for the rights-of-way have been made to most of the affected property owners; one owner has not accepted the offer within the requisite thirty (30) day period. That parcel and its owner is identified as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Offer Expiration Date</u>
5	ESS Prisa II, LLC	April 2, 2009

Mr. Hoover moved to authorize the City Attorney to take all action necessary to immediately proceed with the filing of a complaint in eminent domain to take a portion of Parcel 5 owned by ESS Prisa II, LLC to obtain necessary right-of-way for the Fry Road Reconstruction project as it has not accepted the City's fair market offers to purchase the right-of-way. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

**B. Parcel 11 – Charter Crossing**

Additionally, one other owner has not accepted the offer within the requisite thirty (30) day period but has sent correspondence indicating that acceptance is still possible. The Redevelopment Commission is confident it can handle the matter at the administrative level at this point; however, in the event the Commission is unable to reach an agreement with the owner it is prudent to authorize initiating eminent domain proceedings to acquire the right-of-way. That parcel and its owner is identified as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Offer Expiration Date</u>
11	Charter Crossing, LLC	April 2, 2009

Mr. Hord moved to authorize the City Attorney to take all action necessary to proceed with the filing of a complaint in eminent domain to take a portion of Parcel 11 owned by Charter Crossing to obtain necessary right-of-way for the Fry Road Reconstruction project when she is notified by the Redevelopment Commission that it has been unable to reach an agreement to purchase the right-of-way with Charter Crossing and that Charter Crossing has not accepted the City's fair market offer to purchase the right-of-way. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

**City Engineer**

Director of Community Development Services and City Engineer Monica Klaas presented the following:

**Barrington West, Sidewalks along Curry Road**

Director of Community Development Services and City Engineer Monica Klaas reviewed the recommendations by Kevin Riddle of the Engineering Division.

- 1) Accept sidewalk easements and sidewalks along Curry Road

The Engineering Division has done a site inspection and there are several sidewalk panels that need to be replaced to bring them in compliance with City standards.

City Attorney Shawna Koons stated that the sidewalks need to be in an acceptable state of repair before the easements and sidewalks are accepted. She reminded the Board that these sidewalks were not on the original approved plans and were apparently voluntarily constructed by the developer, and no performance guarantee was posted for them. Mr. Hoover confirmed that the homeowner's association would like the City to accept the sidewalks "as is". Mr. Hoover moved to notify the representatives of the Barrington West homeowner's association that the Board will accept the sidewalk easements and the improvements therein once the sidewalks are brought up to standard to be determined by the Engineering Division. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

### **2009 Bituminous Overlay Project**

Director of Community Development Services and City Engineer Monica Klaas reviewed the recommendations by Paul Peoni, Engineering Division of the Department of Community Development Services:

- 1) E & B Paving, Inc.
- 2) Grady Brothers, Inc.
- 3) Milestone Contractors, L.P.
- 4) Calumet Civil Contractors, Inc.
- 5) Rieth-Riley Construction Company, Inc.

The award of the bid to the lowest responsive and responsible bidder was to be based upon "the per square yard price installed" to mill, proof roll, install new bituminous material and ALL incidental items associated with the construction.

The apparent low bidder based upon the criteria is Milestone Contractors, L.P. Per the City Attorney, all of the legal items are in order with their bid.

Recommendation to the Board for award of this contract is Milestone Contractors, L.P.

Mr. Hoover moved to award the contract for the 2009 Bituminous Overlay Project to Milestone Contractors, L.P. for the bid of \$11.55 per square yard. Second by Mr. Hord.  
**Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Monica Klaas stated that field measurements are being done and work is beginning to start on the construction of the Tracy Trail project.

Director of Community Development Services and City Engineer Monica Klaas stated that she received a letter of request from Friendship Baptist Church for a letter of support to accompany a grant application for a shade structure for their playground. A letter of support was written and forwarded to the Director of the facility, who is submitting the grant application.

### **Human Resources**

Director of Human Resources Katie White-Knartzer presented a letter from Accident Fund Insurance Company of America stating that under the City's contract with them they have the right to direct the medical care of the City's employees for a work related injury even if the City were to contract with a local provider. Accident Fund Insurance Company of America would not be bound by a contract with a local provider and will use their preferred providers to obtain the best cost savings. Ms. White-Knartzer also presented information on the prices the Board had requested from Methodist Occupational, Community Occupational Health, and from Physiotherapy. Mr. Hord confirmed that this is really out of the City's hands. Stephany Jenkins, Clinic Director for Physiotherapy Associates, stated that under the Law of the State of Indiana it is the employer's choice as to where their services are directed. Ms. Jenkins asked why the City would choose to use a provider outside of Greenwood when the service could be provided here. Mr. Hoover stated that the Board would not be able to finish the discussion about what to do or about the law. Mr. Hoover stated that it is important to get the best care at lowest possible cost, and to use local providers when possible. Mr. Hoover provided Ms. Jenkins a copy of the letter from Accident Fund Insurance and suggested she contact its author, Richard Macklin, directly with any specific questions.

### **Director of Operations**

None.

### **Clerk Treasurer**

None.



BOARD OF PUBLIC WORKS AND SAFETY

APRIL 9<sup>th</sup>, 2009

Page 9 of 9

**Claims**

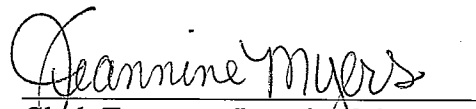
Mr. Hord moved to accept and approve the claims as presented through April 9<sup>th</sup>, 2009.  
Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

**Mayor**

None.

With no further business, the meeting adjourned at 10:10 a.m.

  
\_\_\_\_\_  
Mayor Charles Henderson

  
\_\_\_\_\_  
Clerk Treasurer Jeannine Myers

